

2019 Graduation Address at St. John's Law School

Queens, New York

June 2, 2019

by Jeh Charles Johnson¹

Dr. Gempesaw, Dean Simons, the Ferraro family, distinguished faculty and alumni, graduates and family

[extemporaneous remarks]

Ladies and gentlemen, I did not bring to you a speech with lofty public policy ideas for homeland or national security; I'm one of the few Democrats left who appears on MSNBC and is not running for President, or anything else. This morning I speak directly to you graduates, not as a former government official, but as member of the legal profession you are about to join, and as a concerned private citizen.

Graduates, today you enter what is in my view the finest and most consequential profession in our Nation. There are many different good and important things you can and will do with your law degree – whether it's a real estate closing, estate planning, public safety, the protection of migrant or tenant rights, or the support and defense of the Constitution, lawyering is a profession in which we assist the public engage the powerful legal system in this country.

In my own 37-year private law career, I have defended a tobacco company's right to advertise in the state of California (we lost), defended a Wall Street bank against accusations of fraud (we won), defended a scientist accused of planting a rat's tail in his son's French fries so he could extort a fast food restaurant chain on Long Island (he was convicted); defended a New York City cop against an allegation of homicide (he was exonerated and went on to be hero on 9/11); represented a Pakistani national who wanted asylum in this country; and represented mentally ill homeless people in a lawsuit against the state of New York. In my official life, I have prosecuted corrupt cops and politicians; worked to permit patriotic gay and lesbian Americans serve in the U.S. military, and give

¹ Partner, Paul, Weiss, Rifkind, Wharton & Garrison, LLP; Secretary of Homeland Security (2013-2107); General Counsel of the Department of Defense (2009-2012); General Counsel of the Department of the Air Force (1998-2001); Assistant U.S. Attorney, Southern District of New York (1989-1991).

the legal sign off for a lot of drone strikes and counterterrorism operations to make our homeland safer.

In 2019 you enter our profession at a time when public confidence in our leaders, many of whom are lawyers, is extremely low.

The administration in which I served was not perfect. We had our shares of mistakes and setbacks. But, like many Americans, I watch with growing despair and alarm as the standards of behavior, decency and ethics among our nation's political leaders spiral downward.

There are credible legal arguments that our sitting president used the powers of his office to obstruct justice; a candidate for Congress can assault a member of the press one day and get elected the next; two years ago a candidate for the United States Senate credibly accused of molesting teenage girls was almost elected.

In Washington today false statements, personal insults, leaks, abuse of power, corruption, betrayal, self-absorption, and allegations of sexual misconduct have become commonplace.

Even more depressing, a significant and increasing percentage of the American people now accept this of their political leaders. Our government is descending into a reality TV show. This may be good for ratings, but it is destroying government of, by and for the people.

What can we do? What must we in this room do?

Well, as my late law partner Ted Sorensen used to say, democracies are self-correcting. If you don't like what we have now, then there's always the next election in 17 months.

In the meantime, in the face of this national spectacle, those of us in the legal profession must take care that a similar downward spiral in standards does not happen to us.

Graduates, I remind you that conduct that is tolerated among our nation's political leaders will not and should not be acceptable for you.

As you enter the legal profession, you must rededicate yourselves to the following:

FINAL, AS DELIVERED

First, your word is your bond. Do not give your word unless you know you can deliver on that which you have promised. Adherence to a promise breeds trust, and trust is the most valuable currency you own in our profession. In our small courthouse communities, if you are person who cannot be trusted to keep your word, that word spreads quickly.

Second, there must be no compromise in our demands for truth and accuracy. There is no “fake news.” There are no “alternative facts.” Those phrases are non-sequiturs, and cannot be allowed to settle into our vocabulary.

Third, in the midst of the current leaks of classified and non-public information from our government, unprecedented in their pace and severity, we must rededicate ourselves to the sanctity of the attorney-client privilege, and the protection of client confidences. These are things that belong to your client, not to you.

Next, rededicate yourselves to treating others with respect. Treat others, superiors and subordinates, men and women, associates, as you would be treated, or as you would want your child or your spouse to be treated. Never forget what it was like to be the scared first-year law student, the new kid in the dorm, the new clerk in the judicial chambers, or the new first-year associate in the firm, and how you were treated then. Recall those who took the time to mentor you and treat you with courtesy and patience, and, on the other hand, those others who took the opportunity to put you down to build themselves up.

Tolerate and celebrate the diversity of this Nation. Respect those who are different, and encourage others to do the same. Intolerance of those who are different reflects a narrow mind and a small heart.

If you are, like me, a little down about the current state of our democracy, take the long view – take the long view and you will be forever optimistic about the future – yours and your country’s.

Thirteen-seven years ago my law school graduation speaker was the civil rights leader Andrew Young. Ambassador Young told the Columbia Law School class of 1982 something I never forgot, and repeat at every commencement or graduation speech I give: Work hard, take chances, experience this great country, and you will witness and accomplish things in your lifetime beyond your current comprehension.

How do I know this? Why should believe it? Because I am living proof of it.

In addition to once being terrified of public speaking, I was a C and D student in high school; a C was a gift when my report card arrived in the mailbox. Your graduation speaker today never successfully completed a math course beyond 10th grade math. I took 9th grade math in ninth grade and flunked; I retook 9th grade math in the tenth grade; I took 10th grade math in the eleventh grade; I took 11th grade math in the twelve grade and flunked the New York State regents exam. My guidance counselor told my parents don't think about four-year college for your son.

As a black kid in an overwhelming white student body at Roy C. Ketcham High School in Wappingers Falls, New York, I had no role models. I was trapped in to accepting the stereotype that the black kids were athletic and not studious. The one black student in school who defied that image was my friend Glenn Floyd. I admired Glenn Floyd. I was in awe of Glenn Floyd. Glenn Floyd was smart, outspoken and had the audacity to challenge the teachers in class. He was Barack Obama before there was a Barack Obama. But on November 22, 1973, Glenn was killed in a car accident on Route 9D in Wappingers Falls.

My grades did not improve until my sophomore year at Morehouse College, where, inspired in a student body of proud black men, I discovered who I was and what I could be.

By 1982, when Ambassador Young spoke those words at my graduation, there was another Glenn Floyd in the same school with me, walking the campus of Columbia University, enrolled at the College, who I did not get to know until years later. His name was Barack Obama. He would go on to be the first black President of the United States, and ask me to serve in his Cabinet – two things that I did not expect to see in my lifetime.

Take the long view, and you will know to be optimistic about the future – yours and this country.

Finally, despite the current state of our politics, I urge all of you to consider, for some or all of your legal career, in one form or another, serving the public interest.

I've been in private law practice two-thirds of my career, and public service for only a third. Though the salary of a cabinet officer charged with the responsibility of protecting

FINAL, AS DELIVERED

the entire U.S. homeland is about the same as a second-year associate, my public service has been by far the most gratifying part of my career.

No matter what else I do for the remainder of my private life, my public service will be the first paragraph of my obituary. It occupies the entirety of the scrapbook that I will one day pass to my kids.

Whether it's your country, your state, your city, your community, your church, or immigrants at the border, there are people who need you. Within every one of you is a basic, God-given impulse to serve and help others. Work to fulfill this impulse, and you will draw enormous satisfaction in the practice of our profession.

Thank you and congratulations.